

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, JUDGE RONALD GUZMAN
EASTERN DIVISION

UNITED STATES OF AMERICA) MAGISTRATE JUDGE KEYS
) No. 07 CR 694
vs.)
) Violations: Title 18,
ARTUR FLASZ) United States Code,
ADAM BOJDA) Sections 1343 and 1344

INDICTMENT

F I L E D

COUNT ONE
(Wire Fraud)

DEC 18 2007

MICHAEL W. DOBBINS

The SPECIAL AUGUST 2006-1 GRAND JURY charges CLERK, U.S. DISTRICT COURT

1. At times material to this indictment:

(a) BMW Bank of North America, Delaware Place Bank, Eaglemark Savings Bank, Fifth Third Bank, JP Morgan Chase Bank, and National City Bank were financial institutions, the deposits of which were insured by the Federal Deposit Insurance Corporation ("FDIC").

(b) First Franklin Financial Corporation, a subsidiary of National City Bank, was an originator of residential mortgage loans.

(c) Wells Fargo Auto Finance, a division of Wells Fargo, was an automobile finance company.

2. Beginning in or about April 2006 and continuing until on or about October 25, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

ARTUR FLASZ and
ADAM BOJDA,

defendants herein, and others, devised, intended to devise, and participated in a scheme to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, which scheme affected financial institutions. More specifically, FLASZ, BOJDA, and their co-schemers schemed to defraud BMW Bank of North America, Delaware Place Bank, Eaglemark Savings Bank, Fifth Third Bank, First Franklin Financial Corporation, JP Morgan Chase Bank, National City Bank, Wells Fargo Auto Finance, and other lending institutions (hereinafter referred to collectively as "lenders"), so that they could acquire property and vehicles, as described below.

3. It was part of the scheme that FLASZ and BOJDA recruited individuals ("straw buyers") to purchase property and vehicles for their (FLASZ and BOJDA's) personal use and for the use of their co-schemers.

4. It was further part of the scheme that FLASZ and BOJDA caused straw buyers to sign fraudulent mortgage loan and consumer credit applications so that they could obtain financing for the purchase of property and vehicles. The applications falsified the straw buyers' places of employment and earnings, among other things, so that they would appear to be qualified for the requested loans, when in fact, as FLASZ and BOJDA well knew, the straw buyers were not qualified for the loans, could not afford to repay the loans, and had no intention of repaying the loans. As FLASZ and BOJDA also knew, lenders would rely on those fraudulent loan applications in approving loans to finance the straw buyers' purchases of property and vehicles.

5. It was further part of the scheme that FLASZ and BOJDA caused straw

buyers to sign all of the deal paperwork so that the titles to the property and vehicles would not be in FLASZ and BOJDA's names and so that they (FLASZ and BOJDA) could conceal from victim lenders the identities of the true intended purchasers and users of the property and vehicles.

6. It was further part of the scheme that FLASZ, BOJDA, and their co-schemers took possession of, and exercised control over, property and vehicles purchased by straw buyers. Among the vehicles obtained and controlled by FLASZ, BOJDA, and their co-schemers during the course of the scheme were the following:

- 2007 Audi Q7 (VIN: WA1BV74L97D048732);
- 2007 Audi Q7 (VIN: WA1BV74L87D062606);
- 2007 Audi Q7 (VIN: WA1BY74L37D066814);
- 2003 BMW 325i (VIN: WBAET37403NJ36608);
- 2004 BMW M3 (VIN: WBSBL93424PN56786);
- 2004 BMW 745i (VIN: WBAGL68584DP72757);
- 2004 BMW 745Li (VIN: WBAGN63424DS49817);
- 2005 BMW 525i (VIN: WBANA53585B862298);
- 2006 BMW 750Li (VIN: WBAHN83586DT30154);
- 2007 Cadillac Escalade (VIN: 1GYFK63827R164312);
- 2007 Harley-Davidson FLHTCU (VIN: 1HD1FC4177Y611290);
- 2007 Harley-Davidson FLHRC (VIN: 1HD1FR4147Y660806);
- 2003 Lexus GX470 (VIN: JTJBT20X230009938);
- 2001 Mercedes-Benz S55 (VIN: WDBNG73J51A172016);
- 2001 Mercedes-Benz S500 (VIN: WDBNG75J11A178814);
- 2002 Mercedes-Benz CL500 (VIN: WDBPJ7542A025565);
- 2003 Mercedes-Benz SL500R (VIN: WDBSK75F53F019104);
- 2004 Mercedes-Benz E500 (VIN: WDBUF83J14X146471);
- 2004 Mercedes-Benz S55 (VIN: WDBNG74J24A396086);
- 2005 Mercedes-Benz ML350 (VIN: 4JGAB57EX5A545410);
- 2007 Mercedes-Benz S550 (VIN: WDDNG71X47A066955);
- 2007 Mercedes-Benz S550 (VIN: WDDNG71X47A016850);
- 2005 Porsche Cayenne (VIN: WP1AB29P75LA63532);
- 2005 Porsche Cayenne (VIN: WP1AB29P45LA62807);
- 2006 Porsche Cayenne (VIN: WP1AB29P96LA70869);
- 2007 Yamaha Grizzly (VIN: JY4AM09Y27C009422); and
- 2007 Yamaha TTR50 (VIN: LBPCA01Y270023504).

Among the pieces of property obtained and controlled by FLASZ, BOJDA, and their co-schemers during the course of the scheme were the following:

- 1801 Elm Street, Park Ridge, Illinois;
- 7757 West Forest Preserve Avenue, Chicago, Illinois;
- 1899 Weeg Way, Park Ridge, Illinois; and
- 7928 North Oconto Avenue, Niles, Illinois.

7. It was further part of the scheme that FLASZ and BOJDA provided fraudulently-obtained vehicles to an individual to ship the vehicles overseas for them. FLASZ also provided this individual with blank vehicle titles to facilitate the exportation of fraudulently-obtained vehicles.

8. It was further part of the scheme that FLASZ and BOJDA concealed, misrepresented, and hid, and caused to be concealed, misrepresented, and hidden, the existence of the scheme, the purposes of the scheme, and the acts done in furtherance of the scheme, by means including, but not limited to: (a) providing cash to straw buyers to make loan payments, or making loan payments on behalf of straw buyers, to lull lenders so that fraudulently-obtained loans would not immediately go into default; and (b) moving vehicles to different locations so that they could not be repossessed by victim lenders.

9. As a result of the fraudulent acts of FLASZ, BOJDA, and their co-schemers, lenders issued loans and financed the purchase of property and vehicles, in an amount totaling more than \$2,000,000. As a further result of the fraudulent acts of FLASZ, BOJDA, and their co-schemers, lenders incurred losses because their loans were not repaid.

10. On or about June 15, 2006, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

ARTUR FLASZ and
ADAM BOJDA,

defendants herein, for the purpose of executing the above-described scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce, certain writings, signs, and signals, namely, a funds transfer in the amount of approximately \$527,565 from National City Bank of Indiana, Indianapolis, Indiana, to JP Morgan Chase Bank, Chicago, Illinois, for credit to the account of First American Title Insurance Company, which funds transfer represented the proceeds of a mortgage loan for the purchase of the property located at 1801 Elm Street, Park Ridge, Illinois;

In violation of Title 18, United States Code, Section 1343.

COUNT TWO
(Wire Fraud)

The SPECIAL AUGUST 2006-1 GRAND JURY further charges:

1. The allegations in paragraphs 1 through 9 of Count One of this indictment are hereby realleged and incorporated herein by reference.
2. On or about March 15, 2007, at Westmont, in the Northern District of Illinois, Eastern Division, and elsewhere,

ADAM BOJDA,

defendant herein, for the purpose of executing the above-described scheme, knowingly caused to be transmitted by means of wire communication in interstate commerce, certain writings, signs, and signals, namely, information pertaining to a straw buyer's application for a loan to purchase a 2007 Audi Q7 (VIN: WA1BY74L37D066814), including background information about the straw buyer and his purported place employment and income, which information was transmitted via computer from the offices of an automobile dealership in Westmont, Illinois, to the offices of Wells Fargo Auto Finance in Eden Prairie, Minnesota;

In violation of Title 18, United States Code, Section 1343.

COUNT THREE
(Bank Fraud)

The SPECIAL AUGUST 2006-1 GRAND JURY further charges:

1. The allegations in paragraph 1 and paragraphs 3 through 9 of Count One of this indictment are hereby realleged and incorporated herein by reference.
2. Beginning in or about April 2006 and continuing until on or about October 25, 2007, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

ARTUR FLASZ and
ADAM BOJDA,

defendants herein, and others, devised, intended to devise, and participated in a scheme to defraud and to obtain money, funds, and property owned by and under the custody and control of BMW Bank of North America, Delaware Place Bank, Eaglemark Savings Bank, Fifth Third Bank, JP Morgan Chase Bank, National City Bank, and other FDIC-insured financial institutions, by means of materially false and fraudulent pretenses, representations, and promises, as described in Count One.

3. On or about October 20, 2006, at Franklin Park, in the Northern District of Illinois, Eastern Division,

ARTUR FLASZ,

defendant herein, knowingly executed and attempted to execute the above-described scheme by causing a straw buyer to purchase a 2007 Mercedes-Benz S550 (VIN: WDDNG71X47A066955) from an automobile dealership in Franklin Park, Illinois, which purchase was financed with a loan from JP Morgan Chase Bank in the amount

of approximately \$93,455;

In violation of Title 18, United States Code, Section 1344.

COUNT FOUR
(Bank Fraud)

The SPECIAL AUGUST 2006-1 GRAND JURY further charges:

1. The allegations in paragraphs 1 and 2 of Count Three of this indictment are hereby realleged and incorporated herein by reference.

2. On or about October 20, 2006, at Franklin Park, in the Northern District of Illinois, Eastern Division,

ARTUR FLASZ,

defendant herein, knowingly executed and attempted to execute the above-described scheme by causing a straw buyer to purchase a 2003 Mercedes-Benz SL500R (VIN: WDBSK75F53F019104) from an automobile dealership in Franklin Park, Illinois, which purchase was financed with a loan from Fifth Third Bank in the amount of approximately \$73,616;

In violation of Title 18, United States Code, Section 1344.

COUNT FIVE
(Bank Fraud)

The SPECIAL AUGUST 2006-1 GRAND JURY further charges:

1. The allegations in paragraphs 1 and 2 of Count Three of this indictment are hereby realleged and incorporated herein by reference.
2. On or about October 21, 2006, at Chicago, in the Northern District of Illinois, Eastern Division,

ARTUR FLASZ,

defendant herein, knowingly executed and attempted to execute the above-described scheme by causing a straw buyer to purchase a 2006 BMW 750Li (VIN: WBAHN83586DT30154) from an automobile dealership in Chicago, Illinois, which purchase was financed with a loan from BMW Bank of North America in the amount of approximately \$78,086;

In violation of Title 18, United States Code, Section 1344.

COUNT SIX
(Bank Fraud)

The SPECIAL AUGUST 2006-1 GRAND JURY further charges:

1. The allegations in paragraphs 1 and 2 of Count Three of this indictment are hereby realleged and incorporated herein by reference.
2. On or about February 13, 2007, at Libertyville, in the Northern District of Illinois, Eastern Division,

ARTUR FLASZ,

defendant herein, knowingly executed and attempted to execute the above-described scheme by causing a straw buyer to purchase a 2007 Harley-Davidson FLHTCU (VIN: 1HD1FC4177Y611290) from a motorcycle dealership in Libertyville, Illinois, which purchase was financed with a loan from Eaglemark Savings Bank in the amount of approximately \$26,997;

In violation of Title 18, United States Code, Section 1344.

COUNT SEVEN
(Bank Fraud)

The SPECIAL AUGUST 2006-1 GRAND JURY further charges:

1. The allegations in paragraphs 1 and 2 of Count Three of this indictment are hereby realleged and incorporated herein by reference.
2. On or about March 26, 2007, at Chicago, in the Northern District of Illinois, Eastern Division,

ADAM BOJDA,

defendant herein, knowingly executed and attempted to execute the above-described scheme by making a payment on a loan that had been issued by Delaware Place Bank to a straw buyer in connection with the purchase of a 2004 BMW M3 (VIN: WBSBL93424PN56786) from an automobile dealership in Franklin Park, Illinois;

In violation of Title 18, United States Code, Section 1344.

FORFEITURE ALLEGATIONS

The SPECIAL AUGUST 2006-1 GRAND JURY further alleges:

1. The allegations in Counts One through Seven of this indictment are hereby realleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 982(a)(2).
2. As a result of their violations of Title 18, United States Code, Sections 1343 and 1344, as alleged in Counts One through Seven,

ARTUR FLASZ and
ADAM BOJDA,

defendants herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2), any and all right, title, and interest they may have in any property constituting, and derived from, proceeds they obtained directly and indirectly as the result of such violations.

3. The interests of FLASZ and BOJDA subject to forfeiture pursuant to Title 18, United States Code, Section 982(a)(2), include the sum of \$2,000,000.
4. If any of the forfeitable property described above, as a result of any act or omission by FLASZ and BOJDA:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty,

the United States shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1);

All pursuant to Title 18, United States Code, Section 982(a)(2).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY